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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,525

09/23/2004

Charles A. Haba

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EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/711,525	Applicant(s) HABA, CHARLES A.	
	Examiner Gary Estremsky	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-3 and 6-24 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 4/11/05. These drawings are not approved due to addition of 'new matter'. While a storage compartment 22 and its door 24 are schematically illustrated in original Fig's 1 and 2, the original disclosure does not provide adequate written description or other disclosure to fully support the structures shown in the proposed replacement drawings, notably :

storage compartment having an overhanging peripheral flange,
hinge and adjacent structure, post 38 having a hook and a base member inside of the compartment/lid,
other elements including 43,53,55,57,
the particular overhead arrangement within an automobile shown in Fig 7.

Inasmuch as a storage compartment and lid are at least schematically shown in the original Figures 1,2; it is suggested that those elements in Fig 1 for example, be surrounded by an additional 'box' element to schematically illustrate an automobile consistent with scope of claim 13 and corresponding written description.

Specification

2. The amendment filed 4/11/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment

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shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Amendment to include written description of the new Figures is considered new matter wherever that description refers to the structures indicated above as being new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

3. Claim 19 is objected to because of the following informalities:

claim 19; line 7 - --to move-- should be inserted before "through a channel".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement and second paragraph as being indefinite. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed

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invention. Additional limitations and structure set forth in claims 21 and 22 was not included in the original disclosure. As regards rejection under 35 USC 112, 2nd paragraph, it is not clear which structure (of the original disclosure) is being referred to. Claim 22 is further unclear how the clamp member is on the track member and the clamp member has a first end and a second end and said second end has a protrusion which matingly engages with the same clamp member. As best understood, the subject matter of the claims was not included in the original disclosure.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 6-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,657,969 to Bivens.

Bivens '969 teaches Applicant's claim limitations including : a "track member" – as shown in Fig 7, a "guide member" – 428, "V-shaped notch" – at 478, "retaining section" – beyond 471,490 as described. In light of the present specification, the angular track provides a "heart-shaped" path or "track" for part 428.

As regards claim 2, Bivens '969 teaches "connector" – such as 139 in Fig 4 and explicitly describes that track should be connected to either of the closure or the compartment as a design choice and the guide member to the other.

As regards claim 6, the triangular shaped entry near 426 provides "pathway A", the horizontal run along top up to 479 on "pathway B", the first 'downward turn reads on "pathway C", the "first corner" between B and C defined by the reverse in horizontal direction, "pathway D" is anticipated by path from the "V-shaped notch" at 478 to position of 428 illustrated in Fig 7, and "pathway E" by final path back out to the opening.

As regards claim 7, while the door of the reference might be openable further than when 428 is in opening adjacent 426, position of 428 in the latch adjacent 426 reads on "open" position inasmuch as at least partially open is "open".

As regards claim 12, much like the disclosed invention, the horizontal axis of Fig 7 reads on "axis" and up and down directions of 428 as it circumvents the track read on "radial" in light of the specification.

As regards claim 13, the reference discloses use in an "automobile".

As regards claim 19, the written description explicitly describes operation that reads on all claimed steps in any of several embodiments including that of Fig 7 for example.

As regards claim 21 and 22, as best understood, the spring arm hooks disclosed by the reference teach all limitations including "second end is pivotally attached to said track member".

Response to Arguments


8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Inasmuch as the new grounds of rejection has resulted in the withdrawal of previous indication of allowable subject matter, this Office action is NOT made Final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary Estremsky
Primary Examiner
Art Unit 3676